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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ AUG 19 2005 ★

TRUSTEES OF THE INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL 30
BENEFIT FUNDS,

P.M. 05-CV-0139 (ARR)(KAM)
TIME A.M.

Plaintiffs,

STIPULATION
DISCONTINUING
ACTION

-against-

ST. LUKE'S/ROOSEVELT HOSPITAL
PHYSICIAN ORGANIZATION, INC.,

Defendants.

THIS STIPULATION is being entered into between attorneys of record for the plaintiff, Trustees of the International Union of Operating Engineers Local 30 Benefit Funds and the attorneys of record for the defendant, St. Luke's/Roosevelt Hospital Physician Organization, Inc., in the above entitled action.

WHEREAS, a dispute exists between the parties in connection with benefit fund contributions;


WHEREAS, the parties are desirous of settling the above captioned matter;

NOW, THEREFORE, it is agreed by the parties and to be ordered by the Court:


In consideration of a settlement between the parties, the above action is hereby discontinued against the defendant for the period of the Complaint without further costs to either party as against the other with leave to reopen within thirty (30) days by letter to the court if settlement is not consummated.

Agreed and Consented to:
this 18th day of August 2005

BARNES, IACCARINO, VIRGINIA,
AMBINDER & SHEPHERD, PLLC

By: 
Danielle M. Carney, Esq. (DMC 7471)
Attorneys for Plaintiff
3 Surrey Lane
Hempstead, NY 11550

LEGAL DEPARTMENT

By: 
David Engel Esq.
Attorneys for Defendant
555 West 57th Street
New York, NY 10019

SO ORDERED:


Honorable Kiyoo A. Matsumoto, USMJ

Dated: 9/14/05

SlipDist

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OF COUNSEL:
Albert Rodrigues, Esq.

August 18, 2005

Honorable Kiyo A. Matsumoto, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Trustees of the International Union of Operating Engineers Local 30
Benefit Funds v. St. Luke's/Roosevelt Hospital Physician Organization, Inc.,
Index No.: 05-CV-0139*

Dear Honorable Matsumoto:

Please be advised that the undersigned represents the Plaintiff in the above referenced matter. A Stipulation of Discontinuance is being filed with the court which is attached for your approval. The Stipulation allows the parties thirty (30) days to consummate the settlement. Accordingly, we are requesting the conference scheduled for today, August 18, 2005 at 5:00 p.m. be cancelled.

We apologize for the last minute notice. We just resolved the matter today. Thank you. If you have any questions, please contact me.

Sincerely,


Danielle M. Carney, Esq.

CC: Fund Office

:cancelconf.let

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Date: 8/18/05

TO: HON Ross

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FAX NUMBER: 718-260-2386

FROM: Danielle Carney

RE: 05-0139

NUMBER OF PAGES INCLUDING COVER SHEET: 3

IF YOU HAVE PROBLEMS RECEIVING THIS TRANSMISSION,
PLEASE CALL US AT (516) 483-2990.

COMMENTS: This will also be

electronically filed. Thank you.

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